



Region One  
490 North Meridian Rd.  
Kalispell, MT 59901  
(406) 752-5501  
FAX: 406-257-0349  
Ref: JS071-06  
April 18, 2006

TO: \*Governor's Office, Attn: Mike Volesky, PO Box 200801, Helena, 59620-0801  
\*Environmental Quality Council, PO Box 201704, Helena, 59620-1704  
\*Dept. of Environmental Quality, Planning, Prevention & Assistance, PO Box 200901, Helena, 59620-0901  
\*Dept. of Environmental Quality, Permitting Compliance, PO Box 200901, Helena, 59620-0901  
\*DNRC, PO Box 201601, Helena, 59620-1601; Kalispell: \*Bob Sandman  
\*Montana Fish, Wildlife & Parks - Director's Office: Reg Peterson; Parks: Tom Reilly, Walt Timmerman, Allan Kuser; & Legal Unit: Brandi Fisher  
\*Montana Historical Society, SHPO, 225 North Roberts, Veteran's Memorial Building, Helena, 59620-1201  
\*Montana State Library, 1515 East Sixth Ave., Helena, 59620-1800  
\*Jim Jensen, Montana Environmental Information Center, PO Box 1184, Helena, 59624  
George Ochenski, PO Box 689, Helena, 59624  
\*Wayne Hirst, Montana State Parks Foundation, PO Box 728, Libby, 59923  
\*Montana State Parks Association, PO Box 699, Billings, 59103  
\*Joe Gutkoski, President, Montana River Action Network, 304 N 18<sup>th</sup> Ave., Bozeman, 59715  
Rep. Bernie Olson, 161 Lakeside Blvd., Lakeside, 59922-9723  
Sen. Bob Keenan, Box 697, Bigfork, 59911-0697  
Flathead County Commissioners, 800 S Main Street, Kalispell, 59901  
Flathead County Library, 247 First Avenue E, Kalispell, 59901  
Interested Parties

Ladies and Gentlemen:

Montana Fish, Wildlife & Parks (FWP), Region One, has written a draft environmental assessment (EA) for Lone Pine State Park in Flathead County for the purpose of granting an easement through a portion of the park for a communications tower.

A copy of the draft is enclosed/attached for your review. The draft is out for public review until Wednesday, May 10, 2006. Please direct your questions or comments to Dave Landstrom at FWP Headquarters, 751-4574 or e-mail to [dlandstrom@mt.gov](mailto:dlandstrom@mt.gov).

Sincerely,

James R. Satterfield, Jr., Ph.D.  
Regional Supervisor

/ni  
Enclosure

# MONTANA FISH, WILDLIFE & PARKS



## ENVIRONMENTAL ANALYSIS MEPA/NEPA CHECKLIST

### LONE PINE STATE PARK Communication Tower Road Access Easement Draft Environmental Assessment

**MISSION.** Montana Fish, Wildlife & Parks, through its employees and citizen commission, provides for the stewardship of the fish, wildlife, parks, and recreational resources of Montana, while contributing to the quality of life for present and future generations

All Montanans have the right to live in a clean and healthful environment. This brief environmental analysis is intended to provide an evaluation of the likely impacts to the human environment from proposed actions of the project cited below. This analysis will help Montana Fish, Wildlife & Parks to fulfill its oversight obligations and satisfy rules and regulations of both the Montana Environmental Policy Act (MEPA) and the National Environmental Policy Act (NEPA). The project sponsor has a responsibility to ensure that all impacts have been addressed. Some effects may be negative; others may be positive. Please provide a discussion for each section. If no impacts are likely, be sure to discuss the reasoning that led to your determination.

## PART I. PROPOSED ACTION DESCRIPTION

### 1. Type of proposed action:

Development	_____
Renovation	_____
Maintenance	_____
Land Acquisition	_____
Equipment Acquisition	_____
Other (Granting of Easement)	_____ <u>X</u> _____

### 2. If appropriate, agency responsible for the proposed action: Montana Department of Fish, Wildlife, & Parks (FWP)

**3. Name, address, phone number, and e-mail address of project sponsor:**

Marty Watkins  
Region 1 Parks Manager  
[mawatkins@mt.gov](mailto:mawatkins@mt.gov)  
490 North Meridian Road  
Kalispell, MT 59901  
(406) 751-4573

**4. Name of project:** Lone Pine State Park Communications Tower Easement EA

**5. If applicable:**

Estimated construction/commencement date: Spring/summer 2006

Estimated completion date: NA

Current status of project design (% complete): NA

**6. Location affected by proposed action (county, range, and township):**

Flathead County, Section 24, Township 28 north, Range 22 west

**7. Project size – estimate the numbers of acres that would be directly affected that are currently:**

- (a) Developed:
  - residential.....\_\_ acres
  - industrial.....\_\_ acres
- (b) Open Space/Woodlands/  
Recreation ..... 80 acres
- (c) Wetlands/Riparian  
Areas.....\_\_ acres
- (d) Floodplain .....\_\_ acres
- (e) Productive:
  - irrigated cropland. \_\_ acres
  - dry cropland .....\_\_ acres
  - forestry .....\_\_ acres
  - rangeland ..... 80 acres
  - other.....\_\_ acres

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Lone Pine Easement Public Draft 4/18/06

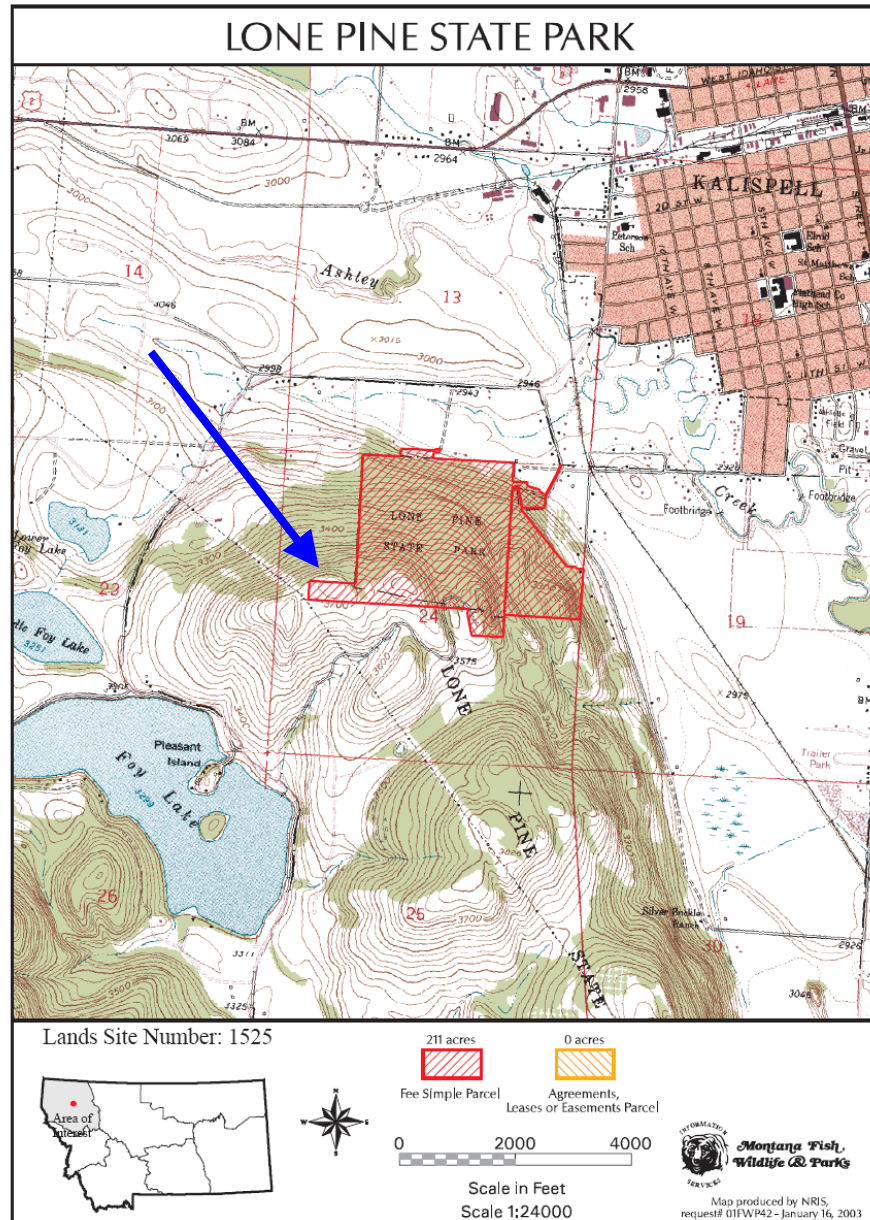


Figure 2. Site map of Lone Pine State Park. The proposed easement is located in the southwest corner of the state park shown by the arrow.



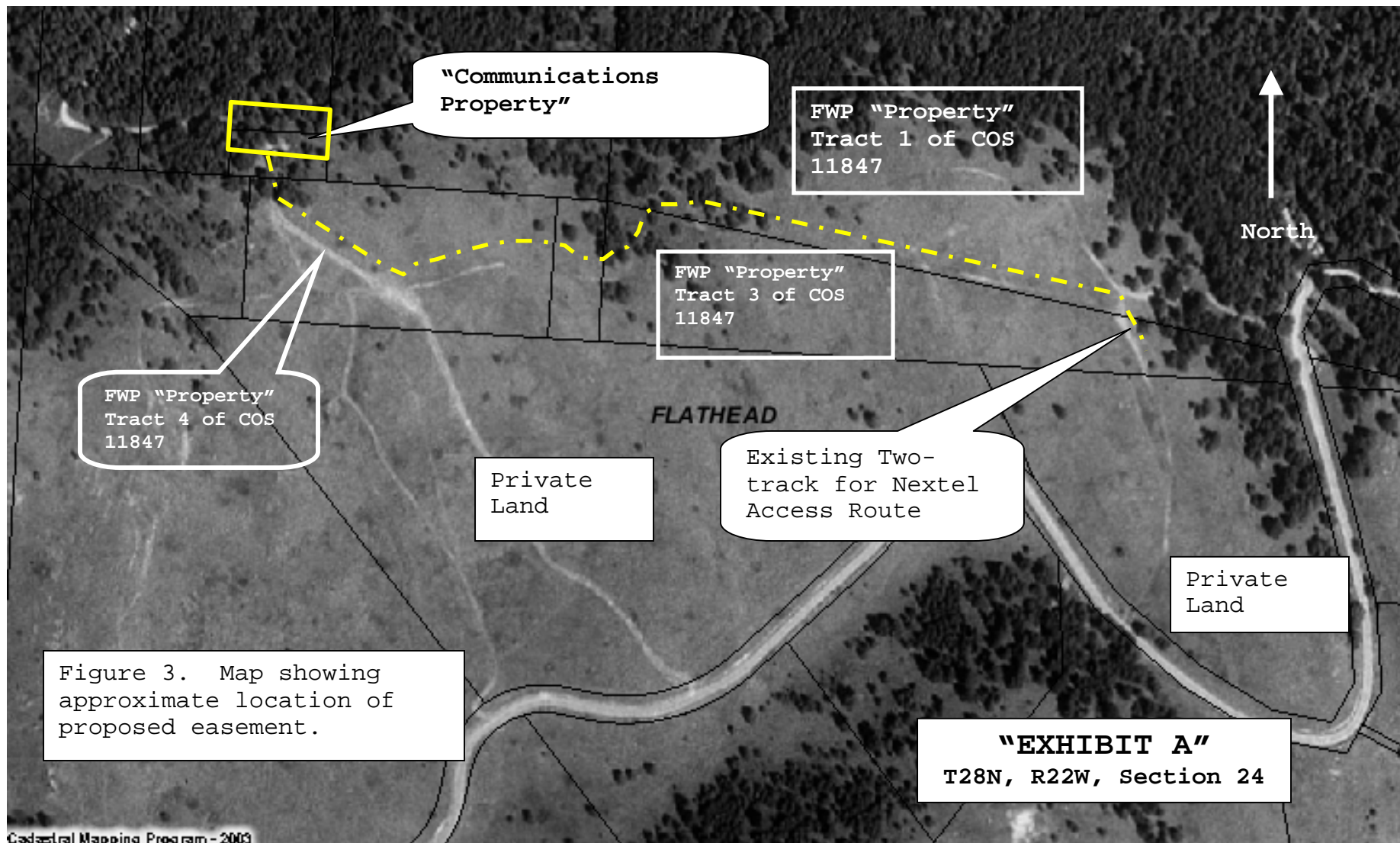




Figure 4. Photo showing existing system of multiple locks on easement road gate.



Figure 5. Photo showing easement road in poor repair.

**9. Narrative summary of the proposed action or project including the benefits and purpose of the proposed action:**

Montana Department of Fish, Wildlife & Parks (FWP) proposes to grant an easement through a portion of Lone Pine State Park on an existing road (see Figures 1 and 2) to Nextel Corporation for the purpose of accessing a communications tower located on private land adjacent to the state park. Easements had previously been granted to Bonneville Power Authority (BPA), Cellular One, and CenturyTel to access the same parcel of land prior to that land becoming part of Lone Pine State Park. There is another route to the communications tower that doesn't require egress onto state land, but it is a very steep jeep track and is not negotiable in two-wheel drive vehicles or in poor weather. The road that BPA, Cellular One, and CenturyTel currently use, and that Nextel is seeking to use, is a two-track dirt road that extends approximately  $\frac{3}{4}$  mile from the main park road to the communications parcel (see Figure 3).

Following is a list of concerns that FWP has identified as arising from the current use of the easement road. Because the current easements date from when that parcel of land was owned by Flathead County, FWP has no authority to require the current permit holders to contribute any funds towards maintenance or weed control.

- The two-track easement road passes through a grassland with a high percentage of native plants. Weed colonization of the disturbed ground around the two-track is a persistent problem, and park managers want to maintain an aggressive weed control program for the area.
- The entrance gate from the park road to the easement road is barred by a gate that is secured with multiple locks (see Figure 4). FWP feels that this system does not give park managers enough control over who has access to the easement road and would like to replace the gate with a more secure model with only one key. All approved permit holders would have a copy of this key.
- Vehicles have been driven off the two-track on occasion, especially at the western end of the road, which damages the native plant community and can lead to the spread and establishment of noxious weeds.
- The two-track is currently deeply rutted and generally in poor condition (see Figure 5).

In light of these concerns, FWP has outlined a series of requirements that Nextel has agreed to that would help rectify the problems caused by the current permit. Please see the complete draft of the proposed access permit in Appendix 3. In exchange for granting the easement to Nextel, FWP has required that:

- Nextel pay the Flathead County Weed Department \$1,000 every year of the duration of the contract, to be spent on weed control on and adjacent to the access road.



- Nextel pay for the cost of a new, more secure steel entrance gate and key system.
- Nextel pay for the cost of purchase and installation of barrier rock to prevent unauthorized motor vehicle travel off the permitted access route at the western end of the two-track. Nextel would also be responsible for any damage they cause to vegetation, wildlife, fences, roads, or recreation facilities while on state property.
- Nextel make such necessary repairs to the road and then maintain the road in a satisfactory condition as a two-track gravel-surfaced road.

If the above requirements are met, FWP would benefit by granting the proposed easement because Nextel would repair and maintain the road, and pay for weed treatment, barrier rock, and a new gate, allowing park managers to utilize operation budgets for other projects throughout the park. The increase in traffic from Nextel vehicles would likely be offset by the reduction or cessation of unauthorized traffic that is likely occurring at present due to the insecure gate.

In sum, the proposed action would benefit both parties and would not cause significant adverse effects to the environment. No threatened or endangered species have been observed in the area, and no unique physical features would be affected. The proposed action would provide monies for site protection and reduce unauthorized travel and off-road use.

**10. Description and analysis of reasonable alternatives (including the required no-action alternative) to the proposed action, whenever alternatives are reasonably available and prudent to consider, and a comparison of the alternatives with the proposed action/preferred alternative:**

In the No-action Alternative, the easement permit to Nextel would be denied, resulting in:

- 1) the continued deterioration of the access road,
- 2) the continued illegal access by motorized vehicles, and
- 3) the continued spread of noxious weeds onto the Lone Pine grasslands.

**11. Listing of each local, state, or federal agency that has overlapping or additional jurisdiction:**

(a) Permits		
Agency Name: NA	Permit:	Date Filed:

(b) Funding	
Agency Name: NA	Funding Amount:

(c) Other Overlapping or Additional Jurisdictional Responsibilities	
Agency Name:  National Park Service	Type of Responsibility:  Oversight of all Land & Water Conservation Fund-assisted sites

**12. List of agencies consulted during preparation of this environmental checklist:**

Montana Department of Fish, Wildlife & Parks  
Parks Division  
Lands Division  
Montana State Historic Preservation Office (SHPO)  
Montana Natural Heritage Program – Natural Resources Information System (NRIS)

**13. Name of preparer(s) of this environmental checklist:**

Dave Landstrom, Park Specialist <a href="mailto:dlandstrom@mt.gov">dlandstrom@mt.gov</a> 490 North Meridian Road Kalispell, MT 59901 (406) 752-5501	Linnaea Schroeer mtflower3@bresnan.net 1027 9 <sup>th</sup> Avenue Helena, MT 59601 (406) 495-9620
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**14. Date submitted:** April 10, 2006

## PART II. ENVIRONMENTAL CHECKLIST

**PHYSICAL ENVIRONMENT.** At the bottom of this “Land Resources” checklist, provide a narrative description and evaluation of the cumulative and secondary effects on land resources. Even if you checked “none” in the above table, explain how you came to that conclusion. Consider the immediate, short-term effects of the action as well as the long-term effects. Attach additional pages of narrative if needed.

1. LAND RESOURCES Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Soil instability or changes in geologic substructure?		X				1a.
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?			X positive			1b.
c. Destruction, covering, or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition, or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other		X				

### NARRATIVE DESCRIPTION AND EVALUATION:

This proposal seeks to grant an easement to the Nextel Corporation over a ¾-mile stretch of a two-track gravel road within Lone Pine State Park. No new construction or development is being proposed.

1a. The proposed action would not result in any soil instability or changes to the geologic substructure.

1b. The proposed action would lead to repair and maintenance of the two-track road, which would reduce soil erosion from the road surface

**PHYSICAL ENVIRONMENT.** At the bottom of this “Air” checklist, provide a narrative description and evaluation of the cumulative and secondary effects on air resources. Even if you checked “none” in the above table, explain how you came to that conclusion. Consider the immediate, short-term effects of the action as well as the long-term effects. Attach additional pages of narrative if needed.

2. AIR Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Emission of air pollutants or deterioration of ambient air quality? (also see 13 (c))		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns, or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. Any discharge that will conflict with federal or state air quality regs?		X				
f. Other		X				

#### NARRATIVE DESCRIPTION AND EVALUATION:

This proposal seeks to grant an easement to the Nextel Corporation over a ¾-mile stretch of a two-track gravel road within Lone Pine State Park. No new construction or development is being proposed, and no new sources of air pollution would be created. Overall traffic on the easement road and subsequent emissions would probably remain the same because, even though a fourth party (Nextel) would be using the road, unauthorized use would probably decrease due to the installation of the new, more secure gate. If the proposed action did result in more traffic, it would still be a very minor increase and would not affect air quality in the park to any appreciable degree.



**PHYSICAL ENVIRONMENT.** At the bottom of this “Water” checklist, provide a narrative description and evaluation of the cumulative and secondary effects on water resources. Even if you checked “none” in the above table, explain how you came to that conclusion. Consider the immediate, short-term effects as well as the long-term effects. Attach additional pages of narrative if needed.

<b>3. WATER</b>  <b>Will the proposed action result in:</b>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen, or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water-related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. Effects to a designated floodplain?		X				
m. Any discharge that will affect federal or state water quality regulations?		X				
n. Other:		X				

#### NARRATIVE DESCRIPTION AND EVALUATION:

This proposal seeks to grant an easement to the Nextel Corporation over a ¾-mile stretch of a two-track gravel road within Lone Pine State Park. No new construction or development is being proposed, and no groundwater or water bodies would be affected. The easement road does not cross any streams, and what little run-off that occurs from the road would be quickly absorbed by the surrounding grassland.

**PHYSICAL ENVIRONMENT.** At the bottom of this “Vegetation” checklist, provide a narrative description and evaluation of the cumulative and secondary effects on vegetative resources. Even if you checked “none” in the above table, explain how you came to that conclusion. Consider the immediate, short-term effects as well as the long-term effects. Attach additional pages of narrative if needed.

4. VEGETATION	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Changes in the diversity, productivity, or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?		X				
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?				X positive		4e.
f. Effects to wetlands or prime and unique farmland?		X				
g. Other:		X				

#### NARRATIVE DESCRIPTION AND EVALUATION:

The proposed action would not cause any adverse changes to the diversity, productivity, or abundance of plant species, and would protect the existing plant community from the spread of noxious weeds because there is a clause in the easement that would require Nextel to contribute \$1,000 every year the permit is in effect towards weed eradication and control.

4e. The proposed action would significantly benefit Lone Pine State Park by providing an additional \$1000 annually towards weed control.

**PHYSICAL ENVIRONMENT.** At the bottom of this “Fish/Wildlife” checklist, provide a narrative description and evaluation of the cumulative and secondary effects on fish and wildlife resources. Even if you checked “none” in the above table, explain how you came to that conclusion. Consider the immediate, short-term effects as well as the long-term effects. Attach additional pages of narrative if needed.

5. FISH/WILDLIFE	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest, or other human activity)?		X				
h. Adverse effects to threatened/endangered species or their habitat?		X				
i. Introduction or exportation of any species not presently or historically occurring in the affected location?		X				
j. Other:		X				

#### NARRATIVE DESCRIPTION AND EVALUATION:

Because the proposed action does not include any construction or development, the main issue that could affect wildlife in that area (the southwest corner) of Lone Pine State Park is the number of vehicles that would be on the easement road. While the proposed action would result in an additional party using the easement road, it is likely that overall, the amount of traffic would remain about the same. The reason for this is that even though there would be an increase in traffic from Nextel vehicles, there would be a decrease in the number of unauthorized vehicles gaining access to the easement road.

5f. A search of the Montana Natural Heritage database revealed that all of the greater Kalispell area, including Lone Pine State Park, falls within the historic range of the Canada lynx, a threatened species. However, there are no documented sightings of lynx within Lone Pine State Park, and it is unlikely that lynx would utilize any of the habitat within the park because of its close proximity to Kalispell and high human density. Please see Appendix 2 for additional information about Species of Concern in and around Lone Pine State Park.

**HUMAN ENVIRONMENT.** At the bottom of this “Noise/Electrical Effects” checklist, provide a narrative description and evaluation of the cumulative and secondary effects of noise and electrical activities. Even if you checked “none” in the above table, explain how you came to that conclusion. Consider the immediate, short-term effects as well as the long-term effects. Attach additional pages of narrative if needed.

6. NOISE/ELECTRICAL EFFECTS  Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Increases in existing noise levels?		X				
b. Exposure of people to severe or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other:		X				

#### NARRATIVE DESCRIPTION AND EVALUATION:

This proposal seeks to grant an easement to the Nextel Corporation over a ¾-mile stretch of a two-track gravel road within Lone Pine State Park. No new construction or development is being proposed, and no new sources of noise would be created. Overall traffic on the easement road and subsequent noise would probably remain the same, because even though a fourth party (Nextel) would be using the road, unauthorized use would probably decrease due to the installation of the new, more secure gate. If the proposed action did result in more traffic, it would still be a very minor increase and would not affect noise in the park to any appreciable degree.



**HUMAN ENVIRONMENT.** At the bottom of this “Land Use” checklist, provide a narrative description and evaluation of the cumulative and secondary effects on land use. Even if you checked “none” in the above table, explain how you came to that conclusion. Attach additional pages of narrative if needed. Consider the immediate, short-term effects as well as the long-term effects.

7. LAND USE	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. A conflict with a designated natural area or area of unusual scientific or educational importance?		X				
c. A conflict with any existing land use, the presence of which would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on, or relocation of, residences?		X				
e. Compliance with existing land policies for land use, transportation, and open space?		X				
f. Increased traffic hazards, traffic volume, or speed limits, or effects on existing transportation facilities or patterns of movement of people and goods?		X				
g. Other:		X				

#### NARRATIVE DESCRIPTION AND EVALUATION:

This proposal seeks to grant an easement to the Nextel Corporation over a ¾-mile stretch of a two-track gravel road within Lone Pine State Park. No new construction or development is being proposed, and the proposed action would not result in an alteration of or interference with the productivity or profitability of the existing land use of the area.

**HUMAN ENVIRONMENT.** At the bottom of this “Risk/Health Hazards” checklist, provide a narrative description and evaluation of the cumulative and secondary effects of risks and health hazards. Even if you checked “none” in the above table, explain how you came to that conclusion. Consider the immediate, short-term effects of the action as well as the long-term effects. Attach additional pages of narrative if needed.

8. RISK/HEALTH HAZARDS	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X			8a.
b. Effects on existing emergency response or emergency evacuation plan or create need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. Disturbance to any sites with known or potential deposits of hazardous materials?		X				
e. The use of any chemical toxicants?			X			8e.
f. Other:		X				

#### NARRATIVE DESCRIPTION AND EVALUATION:

If the proposed action is adopted, efforts to eradicate the existing weeds in the area of the easement road would be enhanced.

8a. The FWP Region 1 Weed Management Plan and the Flathead County Weed Board both call for integrated methods for managing weeds, including the use of chemical herbicides. The use of herbicides would be in compliance with application guidelines and conducted by people trained in safe handling techniques. Aquatic-approved herbicides would be used whenever indicated, as well as biological and mechanical methods.

8e. Please see comment 8a.

**HUMAN ENVIRONMENT.** At the bottom of this “Community Impact” checklist, provide a narrative description and evaluation of the cumulative and secondary effects on the community. Even if you checked “none” in the above table, explain how you came to that conclusion. Consider the immediate, short-term effects as well as the long-term effects. Attach additional pages of narrative if needed.

9. COMMUNITY IMPACT	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				
f. Other:		X				

**NARRATIVE DESCRIPTION AND EVALUATION:**

The granting of an easement to Nextel would not have any discernable impact on the greater Kalispell community.

**HUMAN ENVIRONMENT.** At the bottom of this “Public Services/Taxes/Utilities” checklist, provide a narrative description and evaluation of the cumulative and secondary effects on public services, taxes and utilities. Even if you checked “none” in the above table, explain how you came to that conclusion. Consider the immediate, short-term effects as well as the long-term effects. Attach additional pages of narrative if needed.

10. PUBLIC SERVICES/TAXES/UTILITIES	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. An effect upon, or result in a need for new or altered, governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If so, specify:		X				
b. Effects on the local or state tax base and revenues?		X				
c. A need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Increased used of any energy source?		X				
e. Other.			X			10e.
Additional information requested:						
f. Define projected revenue sources.	Nextel Corp.					
g. Define projected maintenance costs.	\$1,000-1,500/yr.					

#### NARRATIVE DESCRIPTION AND EVALUATION:

This proposal seeks to grant Nextel Corp. an easement over ¾ mile of state land in Lone Pine State Park. Such an action would not have any effect on local government services, local or state tax revenues, or result in the need for new facilities. However, the action would benefit the communications industry, as the easement would enable Nextel to gain access to a communications tower located on private land adjacent to Lone Pine State Park.

10e. The proposed action would not require new communications facilities, but would benefit the communication industry.



**HUMAN ENVIRONMENT.** At the bottom of this “Aesthetics/Recreation” checklist, provide a narrative description and evaluation of the cumulative and secondary effects on aesthetics & recreation. Even if you checked “none” in the above table, explain how you came to that conclusion. Consider the immediate, short-term effects as well as the long-term effects. Attach additional pages of narrative if needed.

11. AESTHETICS/RECREATION	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report)		X				
d. Adverse effects to any designated or proposed wild or scenic rivers, trails, or wilderness areas?		X				
e. Other:		X				

#### NARRATIVE DESCRIPTION AND EVALUATION:

The proposed action of granting an easement to Nextel Corporation through a small segment of Lone Pine State Park would not alter any scenic vista or change the character of a community or neighborhood. The communications tower that Nextel wishes to access is already constructed, and the easement road already exists. Another user on the tower or road would not alter the aesthetics of the park or surrounding area.

**HUMAN ENVIRONMENT.** At the bottom of this “Cultural/historical Resources” checklist, provide a narrative description and evaluation of the cumulative and secondary effects on cultural/historical resources. Even if you checked “none” in the above table, explain how you came to that conclusion. Consider the immediate, short-term effects as well as the long-term effects. Attach additional pages of narrative if needed.

12. CULTURAL/HISTORICAL RESOURCES	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Destruction or alteration of any site, structure, or object of prehistoric, historic, or paleontological importance?		X				
b. Physical changes that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. Adverse effects to historic or cultural resources?		X				
e. Other:		X				

#### NARRATIVE DESCRIPTION AND EVALUATION:

The proposed action seeks to grant an easement to Nextel Corporation to use the two-track gravel road in the southwestern corner of the park. No construction, digging, or large movement of earth would occur under this action. The road would be periodically repaired and maintained, but would not be upgraded, widened, or otherwise improved from its current status as a two-track graveled-surface road.

**HUMAN ENVIRONMENT.** At the bottom of this “Summary Evaluation of Significance” checklist, provide a narrative description and evaluation of the cumulative and secondary effects. Even if you have checked “none” in the above table, explain how you came to that conclusion. Consider the immediate, short-term effects as well as the long-term effects. Attach additional pages of narrative if needed.

13. SUMMARY EVALUATION OF SIGNIFICANCE	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action, considered as a whole:						
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources, which create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard, or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. Have organized opposition or generate substantial public controversy?		X				
Additional information requested:						
g. List any federal or state permits required.	NA					

#### NARRATIVE DESCRIPTION AND EVALUATION:

The proposed action of granting an easement to Nextel Corporation through a ¾-mile section of Lone Pine State Park would not result in any significant impacts to the human or physical environment of the greater Lone Pine State Park area. As the proposed action does not involve any construction or development of any kind, only a small number of very minor impacts have been identified, and these do not constitute a significant impact when considered collectively. The proposed action is not likely to generate substantial debate or controversy, and does not create conflict with any local, state, or federal regulation.

### PART III. ENVIRONMENTAL CHECKLIST CONCLUSION SECTION

1. Discuss the cumulative and secondary effects of this project as a whole.

Cumulative effects would include a potential increase in level of use of the easement road. However, this effect may be negated/mitigated by a reduction in unauthorized use. Secondary impacts would include increased control of noxious weeds and improved protection against illegal off-road travel by motor vehicles.

2. Based on the significance criteria evaluated in this environmental checklist (Part II), is an EIS required?

YES \_\_\_\_\_

NO   X  

If an EIS is not required, explain why the current checklist level of review is appropriate.

Based on an evaluation of the primary, secondary, and cumulative impacts to the physical and human environment under the Montana Environmental Protection Act (MEPA), this environmental review found no significant impacts from the proposed easement. In determining the significance of the impacts, FWP assessed the severity, duration, geographic extent, and frequency of the impact; the probability that the impact would occur or reasonable assurance that the impact would not occur; growth-inducing or growth inhibiting aspects of the impact; the importance to the state and to society of the environmental resource or value effected, and precedent that would be set as a result of the proposed action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws. Therefore, an EA is the appropriate level of review, and an EIS is not required.

3. Describe the public involvement for this project.

The public will be notified by way of a statewide press release, legal notices in the *Daily Inter Lake* (Kalispell), and by public notice on the Fish, Wildlife & Parks web site: <http://.mt.gov/publicnotices>.

Individual notices will be sent to the region's standard EA distribution list and copies of the draft to those who request one.

4. What is the duration of the public comment period?

A 21-day comment period, from April 18 through May 10, 2006. This level of public involvement is appropriate for this scale of project.

## GLOSSARY OF TERMS

**Affected Environment** – The aspects of the human environment that may change as a result of an agency action.

**Alternative** – A different approach to achieve the same objective or result as the proposed action.

**Categorical Exclusion** – A level of environmental review for agency action that does not individually, collectively, or cumulatively cause significant impacts to the human environment, as determined by rulemaking or programmatic review, and for which an EA or EIS is not required.

**Cumulative Impacts** – Impacts to the human environment that, individually, may be minor for a specific project, but, when considered in relation to other actions, may result in significant impacts.

**Direct Impacts** – Primary impacts that have a direct cause and effect relationship with a specific action, i.e., they occur at the same time and place as the action that causes the impact.

**Environmental Assessment (EA)** – The appropriate level of environmental review for actions that either do not significantly affect the human environment or for which the agency is uncertain whether an Environmental Impact Statement (EIS) is required.

**Environmental Assessment Checklist** – An EA checklist is a standard form of an EA, developed by an agency for actions that generally produce minimal impacts.

**Environmental Impact Statement (EIS)** – A comprehensive evaluation of the impacts to the human environment that likely would result from an agency action or reasonable alternatives to that action. An EIS also serves as public disclosure of agency decision-making. Typically, an EIS is prepared in two steps. The Draft EIS is a preliminary detailed written statement that facilitates public review and comment. The Final EIS is a completed written statement that includes a summary of major conclusions and supporting information from the Draft EIS, responses to substantive comments received on the Draft EIS, a list of all comments on the Draft EIS and any revisions made to the Draft EIS, and an explanation of the agency's reasons for its decision.

**Environmental Review** – An evaluation, prepared in compliance with the provisions of MEPA and the MEPA Model Rules, of the impacts to the human environment that may result as a consequence of an agency action.

**Human Environment** – Those attributes, including but not limited to biological, physical, social, economic, cultural, and aesthetic factors that interrelate to form the environment.

**Long-term Impact** – An impact, which lasts well beyond the period of the initial project.

**Mitigated Environmental Assessment** – The appropriate level of environmental review for actions that normally would require an EIS, except that the state agency can impose designs, enforceable controls, or stipulations to reduce the otherwise significant impacts to below the level of significance. A mitigated EA must demonstrate that: (1) all impacts have been identified, (2) all impacts can be mitigated below the level of significance, and (3) no significant impact is likely to occur.

**Mitigation** – An enforceable measure(s), designed to reduce or prevent undesirable effects or impacts of the proposed action.

**National Environmental Policy Act (NEPA)** – The federal counterpart of MEPA that applies only to federal actions.

**No-action Alternative** – An alternative, required by the MEPA Model Rules for purposes of analysis, that describes the agency action that would result in the least change to the human environment.

**Public Participation** – The process by which an agency includes interested and affected individuals, organizations, and agencies in decision-making.

**Record of Decision** – Concise public notice that announces the agency's decision, explains the reason for that decision, and describes any special conditions related to implementation of the decision.

**Scoping** – The process, including public participation, that an agency uses to define the scope of the environmental review.

**Secondary Impacts** – Impacts to the human environment that are indirectly related to the agency action, i.e., they are induced by a direct impact and occur at a later time or distance from the triggering action.

**Short-term Impact** – An impact directly associated with a project that is of relatively short duration.

**Significance** – The process of determining whether the impacts of a proposed action are serious enough to warrant the preparation of an EIS. An impact may be adverse, beneficial, or both. If none of the adverse impacts are significant, an EIS is not required.

**Supplemental Review** – A modification of a previous environmental review document (EA or EIS) based on changes in the proposed action, the discovery of new information, or the need for additional evaluation.

**Tiering** – Preparing an environmental review by focusing specifically on a narrow scope of issues because the broader scope of issues was adequately addressed in previous environmental review document(s) that may be incorporated by reference.

**APPENDIX 1**  
**HB495**  
**PROJECT QUALIFICATION CHECKLIST**

**Date** March 29, 2006

**Person Reviewing** Linnaea Schroeer-Smith

**Project Location:** Flathead County, Section 24, Township 28 north, Range 22 west

**Description of Proposed Work:** Montana Fish, Wildlife & Parks proposes to grant an easement to Nextel Corporation through the southwest corner of Lone Pine State Park. Nextel wishes to gain access to a communications tower located on private land adjacent to state land, which is accessible only by a steep jeep trail or a  $\frac{3}{4}$ -mile two-track road through Lone Pine State Park.

The following checklist is intended to be a guide for determining whether a proposed development or improvement is of enough significance to fall under HB 495 rules. (Please check all that apply and comment as necessary.)

- ☐ **A. New roadway or trail built over undisturbed land?**  
Comments: None. The easement road is already in place and is being used by other parties.
- ☐ **B. New building construction (buildings <100 sf and vault latrines exempt)?**  
Comments: None
- ☐ **C. Any excavation of 20 c.y. or greater?**  
Comments: None
- ☐ **D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?**  
Comments: None
- ☐ **E. Any new shoreline alteration that exceeds a double wide boat ramp or handicapped fishing station?**  
Comments: None.
- ☐ **F. Any new construction into lakes, reservoirs, or streams?**  
Comments: None.
- ☐ **G. Any new construction in an area with National Registry-quality cultural artifacts (as determined by State Historical Preservation Office)?**  
Comments: None
- ☐ **H. Any new above-ground utility lines?**  
Comments: None

☐ I. **Any increase or decrease in campsites of 25% or more of an existing number of campsites?**

Comments: None.

☐ J. **Proposed project significantly changes the existing features or use pattern; including effects of a series of individual projects?**

Comments: None

**If any of the above are checked, HB 495 rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.**



## APPENDIX 2

### Sensitive Plants and Animals in the Lone Pine State Park Area

A search of the Montana Natural Heritage Program (MNHP) element occurrence database indicates no known occurrences of federally listed threatened, endangered, or proposed threatened or endangered plant or animal species in the proposed project site.

**Montana Species of Concern.** The term "**Species of Concern**" includes taxa that are at-risk or potentially at-risk due to rarity, restricted distribution, habitat loss, and/or other factors. The term also encompasses species that have a special designation by organizations or land management agencies in Montana, including: Bureau of Land Management Special Status and Watch species; U.S. Forest Service Sensitive and Watch species; U.S. Fish and Wildlife Service Threatened, Endangered, and Candidate species.

#### ▼ Status Ranks (Global and State)

The international network of Natural Heritage Programs employs a standardized ranking system to denote global (**G** - range-wide) and state status (**S**) (NatureServe 2003). Species are assigned numeric ranks ranging from 1 (critically imperiled) to 5 (demonstrably secure), reflecting the relative degree to which they are "at-risk". Rank definitions are given below. A number of factors are considered in assigning ranks -- the number, size, and distribution of known "occurrences" or populations, population trends (if known), habitat sensitivity, and threat. Factors in a species' life history that make it especially vulnerable are also considered (e.g., dependence on a specific pollinator).

### Status Ranks

Code	Definition
<b>G1</b> <b>S1</b>	At high risk because of extremely limited and/or rapidly declining numbers, range, and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.
<b>G2</b> <b>S2</b>	At risk because of very limited and/or declining numbers, range, and/or habitat, making it vulnerable to global extinction or extirpation in the state.
<b>G3</b> <b>S3</b>	Potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas.
<b>G4</b> <b>S4</b>	Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern.
<b>G5</b> <b>S5</b>	Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

## 1. *Lynx canadensis* (Lynx).

### Natural Heritage Ranks:

State: **S3**

Global: **G5**

### Federal Agency Status:

U.S. Fish and Wildlife Service: **LT**

U.S. Forest Service: **Threatened**

U.S. Bureau of Land Management: **Special Status**

The proposed site location falls within the boundary for element occurrence of this species but no other information is available for the project area. There is no recorded sighting of lynx within Lone Pine State Park in the Natural Heritage database, and it is unlikely that lynx would utilize the habitat within Lone Pine State Park in the future because of its proximity to the town of Kalispell. In light of these facts, it is unlikely that the proposed project would affect the success of this species.

## 2. *Numenius americanus* (Long-billed Curlew)

### Natural Heritage Ranks:

State: **S2B**

Global: **G5**

### Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management: **SENSITIVE**

This bird species has been observed in areas approximately 2 miles west of the boundaries of Lost Creek State Park, but not within the park. Therefore, the proposed project would have no effect on this sensitive species.

## Appendix 3



**Montana Fish,  
Wildlife & Parks**

### COMMUNICATION TOWER ACCESS PERMIT

The Montana Department of Fish, Wildlife and Parks, an agency of the State of Montana, hereinafter referred to as the “Department”, whose main address is 1420 East 6<sup>th</sup> Avenue, P. O. Box 200701, Helena, Montana 59620-0701, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is acknowledged, grants to the Nextel West Corp., a Delaware corporation, hereafter referred to as “Holder”, whose main address is 1255 Treat Blvd., Suite 800, Walnut Creek, CA 94597-7982, Attn: Property Services, and its employees, agents, contractors, successors and assigns, a non-exclusive permit for the purposes of ingress and egress to Holder’s communication facility along and across an existing two track road, hereinafter referred to as “permitted access route”, on real property owned by the Department and situated in Flathead County, Montana. For notice purposes, notices shall be sent to the addresses delineated herein

Department is the owner of that certain real property (Property) located in the County of Flathead, State of Montana, legally described on Exhibit A (*see exhibit A, on page 6 of EA*) attached hereto and incorporated herein by this reference, and commonly known as Lone Pine State Park in Kalispell, Montana.

Department hereby grants to Holder a non-exclusive permit over and across Department Property for the installation, operation, and maintenance of a communications facility located on a parcel adjacent to the Department’s Property. The adjacent parcel is depicted on Exhibit A attached hereto and incorporated herein by this reference and shall be hereinafter referred to as (the “Communications Property”).

Department reserves the right to occupy and use said permitted access route for all purposes not inconsistent with, nor interfering with the rights granted herein.

Department reserves the right alone to extend rights and privileges for use of the permitted access route to other Government departments and agencies, States, and local subdivisions thereof, and to other users including members of the public; provided, that the Department shall control such use so as not to interfere unreasonably with use of the permitted access route by Holder or to cause Holder to bear a share of the cost of maintenance greater than is commensurate with the Holder’s use of the permitted access route.

This Permit is only assignable to any future holder of the interest held by the Holder for and in the Communications Property identified in "Exhibit A". This Permit shall not be construed to serve any other property for any other purpose than as provided for in this Permit.

By accepting this Permit the Holder agrees as follows:

1. In consideration for granting the Easement, Holder agrees to contribute, within fifteen (15) business days following the full execution of this Permit, a contribution of One Thousand & no/100 Dollars (\$1000.00) and every year thereafter the easement is in force, for the purchase and application of weed control agents on and adjacent to the permitted access route. Said application shall be applied as described and outlined by the Department's Park Manager of Kalispell, MT in order to control noxious weeds as required by Montana State Law. This contribution towards acquisition and application of weed control agents is due on or before January 1 of each year. The contribution for any fractional year at the beginning or at the end of the Term or Renewal Term shall be prorated. The contribution shall be payable to Flathead County Weeds Department, 1257 Willow Glen Road, Kalispell, MT 59901. All of Holder's monetary obligations set forth in this Agreement are conditioned upon Holder's receipt of an accurate and executed W-9 Form from Department.
2. Holder will pay for all damages to Department's grasses, trees, shrubs, fences, roads, recreation facilities, fish or wildlife which may be caused directly or indirectly by the use of permitted access route, the incidents and amount of such damages to be reasonably determined by the Department.
3. **USE OF PERMITTED ACCESS ROUTE:** The Holder shall maintain and fully repair all damages to the service road caused by the exercise of the privilege granted by this permit. Holder shall maintain the road, in a satisfactory condition, as a two-track gravel surfaced road.
4. Repair or maintenance of the two-track road through Department's property by Holder shall be approved by the Department prior to start of repair work. Approval shall be deemed given when written consent has been received by the Holder.
5. No vehicle(s) will be allowed off existing roads and the construction of new roads and/or trails is expressly prohibited.
6. Permitted access route will not be fenced or separated by other physical means from Department's remaining property in any way that will interfere with Department's continued use of the property without express written consent.
7. The Holder will bear the costs of purchase and installation of barrier rock to prevent unauthorized motor vehicle travel off the permitted access route onto Department lands at the extreme western end of the permitted access route as depicted in Exhibit "A". Rocks shall be placed five feet on center, and be large enough to prevent motor vehicle trespass.
8. The Holder will bear the costs for the installation of a new steel gate with covered padlock container for the purpose of controlling access to the service road. The Department shall supply a padlock and keys to the Holder. Keys may not be duplicated without consent of the Department. The Department prior to

- construction shall approve gate location and design.
9. This Permit is herein granted for a period of five (5) years, all rights not used for the period shall revert to the Department and the Permit extinguished, provided Holder shall have a reasonable time, not to exceed 30 days, after this five year period, to remove its facilities and restore the surface in accordance with the terms of this Permit. Permit may be renewed at the discretion of the Department.
  10. If Holder defaults in any of the terms of this Permit and the associated agreements, the Department may give Holder a written notice that specifies the default and a period of at least 30 days from the date of the notice within which the default must be corrected. If Holder does not correct the default within the specified time period, the Department may terminate this Permit without notice to Holder and Holder shall have no further rights under this Permit, except that Holder may remove its facilities within 30 days after the date of termination of this Permit in accordance to the terms of the agreement. Any failure of the Department to take action under this paragraph shall not constitute a waiver of any of the provisions of this Permit.

Department agrees:

1. At no time will Department build, construct, erect or maintain any permanent structure or operate heavy equipment within the boundaries of the permitted access route that will interfere with the purposes for which this Permit is granted.
2. That Department does hereby warrant that Department is lawfully seized and possessed of the real property described above, and that Department has a lawful right to convey the Permit on the property, or any part of it, and that Department will forever defend the title to this property against the claims of all persons. In granting this Permit, Department does not warrant or represent that Holder will be able to acquire any permit or license required from any governmental agency.

This Permit and all terms, covenants, and provisions contained herein shall inure to the benefit of and be binding and obligatory upon the successors and assigns of both parties hereto.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Montana Fish, Wildlife and Parks

By: \_\_\_\_\_  
M. Jeff Hagener, Director

Nextel West Corp., a Delaware corporation

By: \_\_\_\_\_  
Mary M. Murdoch  
Director of Site Development

STATE OF MONTANA       )  
  : ss.  
County of Lewis and Clark    )

          This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by M. Jeff Hagener, as Director of the Montana Department of Fish, Wildlife and Parks.

Notary Seal

\_\_\_\_\_  
Notary Public for the State of Montana  
Residing at: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

STATE OF                        )  
  : ss.  
County of                        )

          This instrument s acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2006 by Mary M. Murdoch as Director of Site Development of Nextel West Corp..

Notary Seal

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_